



STATE OF CONNECTICUT ORIGINAL

DEPARTMENT OF ENVIRONMENTAL PROTECTION

79 ELM STREET HARTFORD, CT 06106-5127

PHONE: 860-424-3001



Gina McCarthy
Commissioner

June 30, 2006

Magalie R. Salas
Federal Energy Regulatory
Commission 888 First Street NE,
Room 1A
Washington, DC 20426

Bruce W. Neely, Esq.
LeBoeuf, Lamb, Greene & MacRae
LLP
1875 Connecticut Ave., NW
Suite 1200
Washington, DC 20009-5728

RE: CZMA Consistency, Broadwater Energy
Docket No. CP06-54 et seq.

Dear Ms. Salas and Mr. Neely:

On February 28, 2006, I wrote to you to request that Broadwater Energy, LLC and Broadwater Pipeline, LLC, as applicants for listed federal permits under Connecticut's federally-approved Coastal Management Program, submit a Connecticut consistency certification pursuant to 15 CFR 930.57 of the federal Coastal Zone Management Act (CZMA) regulations. A copy of this letter is enclosed for your information.

At this point, we have received no response from FERC or directly from Broadwater to my February 28 letter. However, Broadwater has replied indirectly to our CZMA consistency concerns via two paragraphs in its Reply Comments dated April 3, 2006. In that document, Broadwater contends that establishment of security zones for the Broadwater project are "federal agency activities" subject to CZMA consistency only as part of the Coast Guard process, not "federal license or permit activities" subject to CZMA consistency through the above-referenced FERC process. This is incorrect. As explained in my February 28 letter, the security zones associated with the Broadwater project are a necessary and integral part of FERC's review and licensing process. Without the necessary security zones, the Broadwater project could not go forward. Therefore, the CZMA consistency review of the entire project, including the security zones in Connecticut, must be conducted as a part of the FERC licensing process prior to the issuance of any FERC license.

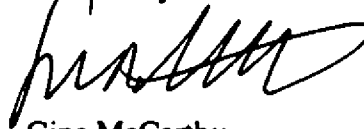
Moreover, the Energy Policy Act of 2005 requires the creation of a single administrative record that will examine all issues relevant to the siting, construction and operation of LNG terminals, including the location and effects of security zones, and serve as the basis for all federal agency determinations, including the Coast Guard Letter of Recommendation. To consider Connecticut CZMA consistency as an afterthought outside the central FERC process would essentially nullify the purposes of both the CZMA and the Energy Policy Act, which promote a coordinated,

comprehensive federal agency evaluation. In sum, if Broadwater wishes to take advantage of the procedural streamlining offered by the Energy Policy Act, it must also be willing to evaluate the effects of necessary security measures directly affecting Connecticut users in Connecticut waters through CZMA consistency in the FERC licensing process.

As you know, the Broadwater project remains a topic of great interest to the citizens of Connecticut, and it is the responsibility of Connecticut's Department of Environmental Protection to protect the State's interests in the vital natural resources and uses of Long Island Sound. Accordingly, I respectfully reiterate our request that Broadwater submit a Connecticut consistency certification pursuant to 15 CFR 930.57, and that FERC support our position in this matter.

Thank you for your cooperation in responding to this request. If you have any questions concerning this matter or any other coastal management issue, please contact Betsey Wingfield, Chief of the Department's Bureau of Water Protection and Land Reuse at (860) 424-3704. Thank you.

Yours truly,



Gina McCarthy
Commissioner

GM/db

Enc.

cc:

Governor M. Jodi Rell
Connecticut Congressional Delegation
Broadwater Energy
FERC Gas Branch 3, DG2E
Eldon Hout, NOAA OCRM
U.S. Army Corps of Engineers
Captain Peter Boynton, COTP Long Island Sound, USCG
Randy Daniels, New York Secretary of State
George Stafford, New York CZM
Senator Bill Finch, Co-Chair, Environment Committee
Representative Richard Roy, Co-Chair, Environment Committee
Senator Len Fasano, Chair, Long Island Sound LNG Task Force
Attorney General Richard Blumenthal
Sharon Scully, Assistant Attorney General
Betsey Wingfield, WPLR